

REMARKS

The indication that claims 8 and 19 are allowed is acknowledged.

By the present amendment, independent claims 1 and 11 have been amended to recite the feature of the film thickness of the intermediate layer being 0.3 μ m to 3 μ m, as apparently considered allowable by the Examiner in claims 8 and 19. Additionally, dependent claims 2 and 13 have been amended to recite the feature that the intermediate layer is made of an amorphous dielectric thin film, which feature is also found in allowed claims 8 and 19. Accordingly, applicants submit that claims 1 and 11 and the dependent claims thereof, as amended, recite recites considered allowable by the Examiner in claims 8 and 19, and therefore not disclosed or taught in the cited art, such that these claims should also now be considered to be in condition for allowance.

As to the rejection of claims 1 - 3, 5 - 8, 11 - 14, 16 - 18 and 20 under 35 USC 103(a) as being unpatentable over Hara et al (JP 03-091128) in view of Rosen et al (EP 0810590), Shintani et al (2003/0039201) and Sakaue et al ('451); the rejection of the same claims over the aforementioned cited art further in view of Kamiya et al '690; the rejection of claims 1 - 7 under 35 USC 103(a) as being unpatentable over Yamamoto et al (2004/0085882) in view of Rosen et al (EP 0810590); the rejection of claims 1 - 7 under 35 USC 103(a) over the aforementioned combination of references further in view of Tseng et al (2004/0085882); and the rejection of claims 1 - 7 and 11 - 21 over the aforementioned combination of references further in view of Kamiya et al ('690); such rejections are traversed, in that as recognized by the Examiner, the cited art does not disclose the film thickness limitation of independent claims 1 and 11 or the amorphous dielectric thin film limitation of claims

2 and 13, as recognized by the allowance of claims 8 and 19, such that further discussion of the cited art in relation to such features is considered unnecessary.

Applicants further note that the Examiner has identified Tseng et al as 2004/0085882 and the Examiner has identified Yamamoto et al as 2004/0085882 such that the rejections are not understood. Furthermore, with respect to Yamamoto et al 2004/0085882, applicants submit that this document is not available in rejecting claims in this application under 35 USC 103(c) in that Yamamoto et al and the claimed invention of this application, were at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.


For the foregoing reasons, applicants submit that in addition to allowed claims 8 and 19, the other claims of this application now recite features not disclosed or taught in the cited art and such claims should be considered allowable at this time.

Accordingly, issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.43675X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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